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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,746	12/21/1999	CHINTAN DESAI	LSI-99-299	4042

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EXAMINER

ODLAND, DAVID E

ART UNIT	PAPER NUMBER
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2662

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DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/468,746

Applicant(s)

DESAI, CHINTAN

Examiner

David Odland

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. The following is a response to the amendments filed on 01/29/2004.

***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 19,23 and 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 25 of U.S. Patent No. 6,288,656.

Although the conflicting claims are not identical, they are not patentably distinct from each other

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because claims 19,23 and 27 in the application are merely broader forms of claim 25 in the 6,288,656 Patent.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention

Claim 27 recites the limitation "...said demultiplexer." in line 16. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (USPN 5,398,249), hereafter referred to as Chen in view of Rodman et al. (USPN 4,411,007), hereafter referred to as Rodman.

Referring to claims 19 and 23, Chen discloses a method of framing data in a receive deserializer circuit (a terminal equipment (TE) performs a framing method (see column 9 lines 1-

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16 and figure 5)), comprising the steps of receiving serial data (D-channel information is received at the TE by way of the S-bus 12a (see column 9 lines 1-16 and figure 5)), generating a local clock based on said serial data (an Multiframe Boundary Pulse (MBP) clock signal is ultimately generated by the Multiframe Boundary Pulse Generator 75 (MBPG 75) based on the received serial signal from the S-bus 12a (see column 9 lines 1-16 and figure 5)), deserializing said serial data into a parallel data word (the serial data received from the S-bus 12a is demultiplexed by the Telephone Line Terminator 71 (TELT 71) into parallel signals (see column 9 lines 1-16 and figure 5)), comparing a portion of said parallel data word with a preset data reference pattern (a D pattern Checker 74 (DPC 74) compares data received over one of the parallel lines to a pattern it has stored therein (see column 9 lines 1-16 and figure 5)), adjusting said local clock to an adjusted local clock based on the results of said comparing (the DPC 74 generates a Pattern Matching (PM) signal, which is used by the MBPG 75 to adjust the MBP clock signal (see column 9 lines 1-16 and figure 5)) and timing subsequent data to said adjusted local clock (subsequent sub-channel data is synchronized between the Network Terminator (NT) and the TE according to the adjusted MBP (see column 9 lines 1-16 and figure 5)).

Chen does not disclose that the adjusting includes shifting one bit period of the portion does not match the reference pattern. However, Rodman discloses a system wherein an incoming signal is compared to a predetermined pattern wherein if there is no match the signal is shifted by one bit (see claim 6). It would have been obvious to one skilled in the art at the time of the invention to implement this feature into the Chen system because doing so would make sure the clock is synchronized thereby making the Chen system more reliable.

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Referring to claims 20 and 24, Chen discloses the system discussed above. Chen does not disclose generating a shift pulse if the portion does not match and disabling the local clock for one bit period if the shift pulse is asserted. However, It would have been obvious to one skilled in the art at the time of the invention to implement this feature in the Chen system because doing so would make sure the clock is synchronized thereby making the Chen system more reliable.

Referring to claims 21 and 25, Chen discloses the system discussed above. Furthermore, Chen discloses generating phase clocks based on said serial data, one of the phase clock being said local clock (a local clock is generated (see column 9 lines 1-9)).

Referring to claims 22 and 26, Chen discloses the system discussed above. Furthermore, Chen discloses sampling said serial data in accordance with the phase clocks to generate the parallel data word, each phase clock sampling a respective bit of the parallel data word (inherently when the data is converted from serial to parallel form the data is sampled by a certain number of bits to form the parallel word (see column 9 lines 1-16 and figure 5)).

#### ***Allowable Subject Matter***

7. Claims 1-18 are allowed.

#### ***Response to Arguments***

8. Applicant's arguments with respect to claims 19 and 23 have been considered but are moot in view of the new ground(s) of rejection.

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*Conclusion*

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland, who can be reached at (703) 305-3231 on Monday – Friday during the hours of 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, who can be reached at (703) 305-4750.

deo

April 18, 2004

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**